

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SARAH TIBES and RAOUL TIBES,

CIVIL ACTION NO.:

Plaintiffs,

**NOTICE OF REMOVAL**

- against -

HANSEATIC MOVING SERVICES, LLC,

Defendant.

-----X  
HANSEATIC MOVING SERVICES, LLC

Third-Party Plaintiff,

- against -

AG MOVING SERVICES, LLC,

Third-Party Defendant.

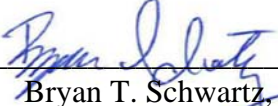
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**PLEASE TAKE NOTICE** that Defendant/ Third-Party Plaintiff Hanseatic Moving Services, LLC hereby removes the civil action entitled Sarah Tibes and Raoul Tibes v. Hanseatic Moving Services v AG Moving Services, LLC Index Number 518914/2020, from the Supreme Court of the State of New York, County of Kings, where it is now pending to the United States District Court of the Eastern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

Dated: New York, New York

June 11, 2021

Yours etc.,

GALLO VITUCCI KLAR LLP

  
By: Bryan T. Schwartz, Esq.  
*Attorneys for Defendant/Third-Party Plaintiff*  
*Hanseatic Moving Services, LLC*  
90 Broad Street, Suite 1202  
New York, New York 10004  
(212) 683-7100  
File No.: PIC-2020-8  
Email: [bschwartz@gvlaw.com](mailto:bschwartz@gvlaw.com)

TO:

HACH & ROSE, LLP  
Attn: Christopher Cellante  
*Attorneys for Plaintiffs*  
112 Madison Avenue, 10<sup>th</sup> Floor  
New York, New York 10016  
(212) 779-0057  
[cc@hachroselaw.com](mailto:cc@hachroselaw.com)

MORRISON LAW FIRM, P.C.  
Attn: Dan Morrison, Esq.  
445 Hamilton Avenue, Suite 402  
White Plains, New York 10601  
914-239-3629  
[dmorrison@morrisonlawfirmpc.com](mailto:dmorrison@morrisonlawfirmpc.com)

UNITED STATES DISTRICT COURT  
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TO: JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

The Petition of Bryan T. Schwartz respectfully shows as follows:

1. That the undersigned counsel for Defendant/ Third-Party Plaintiff Hanseatic Moving Services, LLC, Inc. hereby removes the civil action entitled Sarah Tibes and Raoul Tibes v. Hanseatic Moving Services v AG Moving Services, LLC, from the Supreme Court of the State of New York, County of Kings, where it is now pending under Index Number 518914/2020 to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

2. This action was commenced by the filing of a Summons and Complaint dated October 2, 2020. **Exhibit A**. Plaintiff's Summons and Complaint does not include a statement of damages.

3. Defendants Hanseatic Moving Services interposed an answer on October 20, 2020 and a copy of the answer is annexed hereto as **Exhibit B**.

4. In the Complaint, Plaintiff seeks money damages for personal injuries resulting from an alleged slip/trip and fall accident that occurred on October 31, 2017 inside the plaintiffs' apartment located at 2 North Moore Street in Brooklyn, New York. (See **Exhibit A** at ¶ 16)

5. Plaintiff is a natural person who is a resident and citizen of Nassau County, State of New York. (See **Exhibit A** at ¶ 14)

6. Defendant/Third-Party Plaintiff Hanseatic Moving Services is a Limited Liability Company duly registered in the State of New Jersey with a principal place of business, headquarters, base of operations and nerve center are located in the County of Hudson, State of New Jersey. See *Hertz Corp. v. Friend*, 559 U.S. 77 (2010).

7. Sven Schumann, the sole member of the Defendant/Third-Party Plaintiff Hanseatic Moving Services is a resident of the State of New Jersey

8. On or about November 24, 2020 Defendant/Third-Party Plaintiff Hanseatic Moving Services issued a tender letter to Third-Party Defendant AG Moving Services, LLC, a copy of which is annexed hereto as **Exhibit C**.

9. When there was no formal response to said tender letter, Defendant/Third-Party Plaintiff Hanseatic Moving Services commenced a third party action against Third-Party Defendant AG Moving Services, LLC. (**Exhibit D**).

10. The Third-Party Defendant, AG MOVING SERVICES, LLC interposed an answer to the third party action on April 9, 2021 and a copy of the answer is annexed hereto as **Exhibit E**.

11. In their answer, the Third-Party Defendant admitted that "The Third-Party Defendant, AG MOVING SERVICES, LLC was and still is a Virginia Limited Liability Company....." (See **Exhibit E** at ¶FOURTH)

12. Upon information and belief, all members of the Third-Party Defendant Limited Liability Company are residents of the Commonwealth of Virginia.

13. On June 9, 2021, the plaintiff sent an email response to Your Affirmant's request for damages indicating that the amount in controversy is \$1 million in connection with this litigation (**Exhibit F**).

14. That this action may be removed to this Court by the defendants pursuant to 28 U.S.C. § 1441(c) since Plaintiff's action is a civil action where the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs and is between citizens of different states.

15. As the residence amongst the defendants and the plaintiff establishes complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000 exclusive of costs and interest, Defendant/Third-Party Plaintiff Hanseatic Moving Services respectfully removes this action from the Supreme Court of the State of New York, County of Kings to the United States District Court for the Eastern District of New York.

**WHEREFORE**, Defendant respectfully requests that the action now pending against it in the Supreme Court of the State of New York, County of Suffolk be removed therefrom to this Court.

Dated: New York, New York  
June 11, 2021

Yours etc.,

GALLO VITUCCI KLAR LLP

  
By: Bryan T. Schwartz, Esq.  
Attorneys for Defendant/Third-Party Plaintiff  
Hanseatic Moving Services, LLC  
90 Broad Street, Suite 1202  
New York, New York 10004  
(212) 683-7100  
File No.: PIC-2020-8  
Email: [bschwartz@gvlaw.com](mailto:bschwartz@gvlaw.com)

TO: HACH & ROSE, LLP  
Attn: Christopher Cellante  
*Attorneys for Plaintiffs*  
112 Madison Avenue, 10<sup>th</sup> Floor  
New York, New York 10016  
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HANSEATIC MOVING SERVICES, LLC

Third-Party Plaintiff,

- against -

AG MOVING SERVICES, LLC,


Third-Party Defendant.  
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Bryan Schwartz, being duly sworn according to law, deposes and says:

That I am counsel for Defendant / Third-Party Plaintiff Hanseatic Moving Services, LLC  
the within named Petitioner; that he has read the foregoing Petition for Removal; and that the  
statements contained therein are true in substance and to my knowledge.

  
Bryan Schwartz, Esq. (BS-3033)

Sworn to before me this  
11<sup>th</sup> day of June, 2021

  
\_\_\_\_\_  
Notary Public

<p>Mary Thompson Notary Public – State of New York No. 01TH6044466 Qualified in Richmond County Commission Expires on July 3, 2022</p>
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